

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 6, 2009**

**DIVISION TWO**

B206879      Essex Insurance Co.  
                 v.  
                 Professional Building Contractors

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

**DIVISION THREE**

B172737      Prospect Medical Group, Inc. et al                      (Not for Publication)  
                 v.  
                 Northridge Emergency Medical Group et al

B172817      Prospect Health Source Medical Group  
                 v.  
                 Saint John's Emergency Medicine Specialists, Inc. et al

The judgments dismissing Prospect's first cause for declaratory relief are reversed. On remand, the trial court is directed to enter an order allowing Prospect to amend the complaints to seek a declaration regarding whether Emergency Physicians charged more than a reasonable rate for specific medical procedures. We affirm the judgments denying Prospect's claim for declaratory relief to require Emergency Physicians to charge no more than 100 percent of the Medicare rate as an across-the-board rate. We reverse the judgments dismissing Prospect's second cause of action for violations of section 17200 of the Business and Professions Code. No costs are awarded.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

August 6, 2009 (Continued)

### DIVISION THREE (continued)

B211194      People                                  (Not for Publication)  
v.  
Leo Duran Fitch

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B213700 People (Not for Publication)  
v.  
Noemi A.

The order of wardship is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FIVE

B212035      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
E.S.

The dispositional order is affirmed. The clerk's minutes for October 21, 2008 are to be corrected as set forth in the body of the opinion.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

August 6, 2009 (Continued)

## DIVISION FIVE (continued)

B212160 Mary Jones (Not for Publication)

V.

Sedgwick Claims Management Services, Inc. et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B214468 Los Angeles County, D.C.F.S. (Not for Publication)

V.

E.D.

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B210951      People      (Not for Publication)

V.

Walter Govan

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

## DIVISION FIVE (continued)

B209087 People (Not for Publication)  
v.  
Byron Green

Defendant's sentence for making a criminal threat on count 2 is ordered stayed pursuant to section 654, pending the finality of the judgment and service of the sentence imposed for burglary on count 1; the stay is then to become permanent. The trial court is directed to strike the defendant's penalty assessment and surcharge of \$80. Additionally, the abstract shall be corrected to reflect a \$20 court security fee for each count, for a total of \$80. In all other respects, the judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B210533      People      (Not for Publication)  
v.  
Deshion McIntyre

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

B210014      People                                  (Not for Publication)  
v.  
Bryant Brim

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The appeal is dismissed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

August 6, 2009 (Continued)

DIVISION FIVE (continued)

B211493      People      (Not for Publication)  
v.  
Miguel Avila

The judgment is reversed.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.